

Parents Have Rights

Parents of children with disabilities from three years of age through age twenty-one have specific educational rights under the Individuals with Disabilities Education Act. These rights are sometimes called procedural safeguards. Individuals serving as surrogate parents and students aged eighteen receiving special education services also are entitled to these procedural safeguards, known as the “Notice of Procedural Safeguards.”



Teacher or Administrator Involvement Is Important

A number of people in your child’s district and special education local plan area (SELPA) can answer questions about your child’s education and your rights as a parent. When you have a concern, it is important that you contact your child’s teachers or administrators to talk about your child and any problems you see. This informal conversation often solves the problem and helps maintain open communication.

Parent Participation Is Important

You must be given opportunities to participate in any meeting during which decisions will be made about your child’s special education program. You have the right to participate in meetings about the identification, assessment, educational placement, and other matters related to your child’s education.

Under certain conditions, a surrogate parent may be assigned to represent a child with a disability when a parent cannot be identified or located.

Additional Information

This notice is an abbreviated summary of procedural safeguards under federal and state laws (20 USC Section 1415; EC sections 56028 and 56321). *Special Education Rights of Parents and Children*, a more extensive description of these rights, is available from the California Department of Education, Special Education Division.

To obtain more information about parental rights or dispute resolution, including how to file a complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, by telephoning (800) 926-0648 or writing to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814
Telephone: (800) 926-0648
Fax: (916) 327-3704
Web site: <http://www.cde.ca.gov/spbranch/sed>

To file for mediation or a due process hearing, contact:

McGeorge School of Law
Special Education Hearing Office
3200 Fifth Avenue
Sacramento, CA 95817
Telephone: (916) 739-7053
Fax: (916) 739-7066



Parents’ Rights:
A Brief Summary
of Procedural
Safeguards

for Students with
Disabilities Receiving
Special Education
Services

SPECIAL EDUCATION DIVISION
CALIFORNIA DEPARTMENT
OF EDUCATION

What Are Parents' Rights in California Special Education?

Parents and students over age eighteen *have the right . . .*

To Participate

You have the right to refer your child for special education services, to participate in the development of the individualized education program (IEP), and to be informed of all program options and alternatives, both public and nonpublic.

To Receive Prior Written Notice

You have a right to receive prior written notice in your native language when the school district initiates a change in the identification, assessment, or educational placement in special education.

To Consent

You must provide informed, written consent before a child is assessed or provided with any special education services. Parental consent must also be provided before any change in special education services can occur.

To Refuse to Consent

You can refuse to consent to an assessment or the placement of your child in special education.

To Be Given a Nondiscriminatory Assessment

Your child must be assessed for special education through the use of methods that are not culturally biased or discriminatory.

To Receive Independent Educational Assessments

You may obtain an independent educational assessment for your child at public expense if you disagree with the assessment conducted by the school district. The school district must help you obtain a second opinion if it is asked to do so. If the district believes that an independent assessment is unnecessary, it may request a hearing to prove that the district's assessment is appropriate.

To Access Your Educational Records

You have a right to inspect, review, and obtain copies of your child's educational records.

To Stay in the Current Program If There Is a Disagreement About Placement

If you disagree with the district regarding your child's special education placement or a proposed change in placement, the law requires the student to "stay put" in the current program until the dispute is resolved.

To Be Given a Hearing Regarding Disagreements About an IEP

You have the right to present a complaint relating to the provision of a free appropriate public education for your child; to have an attorney, an advocate, and the student, if appropriate, present at the due process hear-



ing; and to make the hearing public. Under certain conditions, the hearing officer may award, reduce, or deny the reimbursement of attorneys' fees and fees paid to nonpublic institutions by parents in the settlement of a case. To request a due process hearing or to receive a complete notice of procedural safeguards related to a fair hearing, contact the Special Education Hearing Office (see the back panel).

To Receive Mediation

You are also encouraged to consider settling disagreements regarding your child's special education program through voluntary mediation, a process through which parties seek mutually agreeable solutions to disputes with the help of an impartial mediator. You can seek mediation alone or separate from due process, or you can participate in mediation pending a due process hearing. Mediation cannot be used to delay your right to a due process hearing. For more information, see the back panel.

To File a Complaint Against Your School District

If you believe your child's school district has violated the law, you may file a complaint with the California Department of Education. The Department must investigate the complaint and issue a written report of findings within 60 days of receiving the complaint.



To Be Informed of School Discipline and Alternative Placement

There are specific rules regarding the suspension and expulsion of students with IEPs. Generally, a student with a disability may be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities.

If your child is in such a placement for more than ten days, an IEP meeting must be held to consider the appropriateness of your child's current placement and the extent to which the disability is the cause of the misconduct. Regardless of your child's placement, the district must provide a free appropriate educational program for your child.

To Be Informed of Policies Regarding Children Who Attend Private Schools

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. Although school districts have the clear responsibility to offer a free appropriate public education to students with disabilities, recent changes in federal law have significantly limited the school district's responsibility to provide services to students who have been enrolled in private schools.